

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
MANUEL REYNOSO and LUIS RODRIGUEZ,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

Docket No. 1:20-cv-03010 (BMC)

JACK'S EGGS AND OTHER INGREDIENTS LLC
(D/B/A JACK'S EGG FARM), JACK NEUSTADT,
and MORDECAI NEUSTADT,

Defendants.

-----X

REVISED OFFER OF JUDGMENT

The Defendant, Jack's Eggs And Other Ingredients LLC., pursuant to Rule 68 of the Federal Rules of Civil Procedure, offers to allow judgment to be taken against said Defendant by the Plaintiffs in the total gross amount of Seventy-Five Thousand Dollars (\$75,000.00), inclusive of all attorney's fees, costs and expenses incurred by Plaintiff in prosecuting the Subject Complaint.

This offer is inclusive of all claims of whatever nature (i.e., New York State Labor Law, Fair Labor Standards Act, Portal to Portal Act, etc.) for all damages, including but not limited to, unpaid wages and pre-judgment interest, including Plaintiffs' attorney's fees. Should Plaintiffs accept this Offer of Judgment, they will be releasing all above Defendants from any liability for any wage based (e.g., Fair Labor Standards Act) or Article 6, §190 et seq., New York Labor Law claim. Should Plaintiffs accept this Offer of Judgment, they will further be acknowledging that with this payment, each Plaintiff will have been paid in full for all hours worked on behalf of any of the Defendants, at straight time for all

weeks worked in which they worked up to and including 40 hours. Should Plaintiffs accept this Offer of Judgment, they will further be acknowledging that with this payment, each Plaintiff will have been paid in full for all weeks worked in which they worked above 40 hours at minimum wage and one half for the hours worked above 40 in any said week.

This offer of judgment is made for the sole purposes specified in Rule 68 and is not to be construed either as an admission that this Defendant is liable in this action in any way whatsoever, or that Plaintiff has actually suffered any damage, whatsoever.

Dated: Mineola, New York
May 12, 2021

MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP

By: /s/ Richard M. Howard
Richard M. Howard
Attorneys for Defendants
190 Willis Avenue
Mineola, New York 11501
(516) 747-0300

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Plaintiff(s),

- against -

JACK'S EGGS AND OTHER INGREDIENTS LLC
(D/B/A JACK'S EGG FARM), et al. Defendant(s).

OFFER OF JUDGMENT

MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP

Attorneys for Defendants

Office and Post Office Address:
190 Willis Avenue
Mineola, New York 11501
(516) 747-0300

The undersigned, an attorney admitted to practice in the courts of New York State, hereby affirms as true under all the penalties of perjury that affiant is the attorney(s) of record in the within action; that affiant has read the foregoing and knows the contents thereof; that the same is true to affiant's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that those matters affiant believes to be true.

COMPLIANCE PURSUANT TO 22NYCRR § 130-1.1a

To the best of the undersigned's knowledge, information and belief formed after an inquiry reasonable under the circumstances, the within document(s) and contentions contained herein are not frivolous as defined in 22NYCRR § 130-1.1a

Dated _____ Signature _____

Service of a copy of the within

is hereby admitted.

Dated: _____
Attorney(s) for

PLEASE TAKE NOTICE:

[] NOTICE OF ENTRY

that the within is a (certified) true copy of
duly entered in the office of the clerk of the within named court on _____ 20__

[] NOTICE OF SETTLEMENT

That an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named court, at
On the _____ day of _____ 20__, at _____ M.

Yours, etc.

MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP
Office and Post Office Address
190 Willis Avenue
Mineola, New York 11501

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AFFIDAVIT OF SERVICE

JACK'S EGGS AND OTHER INGREDIENTS LLC
(D/B/A JACK'S EGG FARM), JACK NEUSTADT,
and MORDECAI NEUSTADT,

Defendants.

-----X
STATE OF NEW YORK }
 } ss.:
COUNTY OF NASSAU }

Michelle Costantini, being duly sworn, deposes and says: I am not a party to this action;
I am over 18 years of age; I reside in Queens County, New York.


On May 12, 2021, I served a true and correct copy of the within **OFFER OF JUDGMENT** enclosed is a post-paid, properly addressed first-class wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York upon:

Clela Errington, Esq.
Michael Faillace and Associates, PC
60 East 42nd Street, Suite 4510
New York, NY 10165



Michelle Costantini

Sworn to before me the
12th day of May, 2021



Notary Public

DANIEL FRANK CARRASCAL
NOTARY PUBLIC, State of New York
No. 02CA6372148
Qualified in Nassau County
Commission Expires March 19, 2022

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Defendants.

-----X
STATE OF NEW YORK }
 } ss.:
COUNTY OF NASSAU }

Kathleen Cicchetti, being duly sworn, deposes and says: I am not a party to this action; I am over 18 years of age; I reside in Nassau County, New York.

On May 12, 2021, I served a true and correct copy of the within **OFFER OF JUDGMENT** via email upon:

Clela Errington, Esq.
Michael Faillace and Associates, PC
60 East 42nd Street, Suite 4510
New York, NY 10165
Email address: <cerrington@faillacelaw.com>


Kathleen Cicchetti

Sworn to before me the
12th day of May, 2021


Notary Public

MARIA WHITEMAN
Notary Public, State of New York
No. 01WH6191153
Qualified in Suffolk County
My Commission Exp. 08/04/2024